

SYLVESTER CHURCHILL, UNITED STATES ARMY.

[To accompany bill H. R. No. 788.]

JANUARY 30, 1857.

Mr. B. CLARK, from the Committee on Military Affairs, made the following

REPORT.

The Committee on Military Affairs, to whom was referred the memorial of Sylvester Churchill, United States army, respectfully report :

The facts in the case are fully set forth in a report made to the Senate during the last session by Mr. Shields, from the Military Committee, and are as follows :

He was appointed inspector general on the 15th of September, 1841, to rank from the 25th June of that year. On the 23d August, 1842, a law was passed which, among other things, abolished the office of one of the two inspector generals of the army.

The President and Secretary of War, however, found it absolutely necessary, for reasons which they assign at length, to continue both inspector generals until the 29th of April, 1845, during which time the memorialist discharged the duties of the office with acknowledged zeal and ability.

On the 29th of April, 1845, the President deemed it necessary, under the law already alluded to, to abolish the office, and the memorialist, being the junior, was honorably discharged. The necessity of the service, however, and the injustice done to a meritorious officer, induced Congress to restore the office, and on the 21st January, 1846, the memorialist was restored to his former rank and emoluments.

During the interval from July 8, 1845, until January 21, 1846, he continued in public employment, and, by an oversight in the act which restored his office, he is unable to draw pay for that period without a special act. The amount is \$1,020 14, to which he is justly entitled.

The committee concur with the War Department in recommending that justice be done in this case to a gallant and meritorious officer.

The appointment of inspector general certainly was conferred upon him with the intention that he should hold it during good behaviour. It was never contemplated that a contingency could arise which would result in the abolition of his office. If it were, the memorialist would certainly not have given up his position in the army, the tenure of which is life, for the temporary position of an inspector general, which conferred but little additional rank. He would certainly not have done

so at a time when his indisposition to accept the place was so great, that it was offered to him again after having been once declined. Congress, in restoring the office, evidently looked at the case in such a point of view. It felt that great wrong had been done General Churchill, who, to give his talents to the government in a position for which he was conceived to be eminently suited, reluctantly abandoned the place of a major in the army, relying upon the good faith of the government that the tenure of the new position would be regulated only by the same contingencies which governed the one he was called upon to abandon. In restoring the office to General Churchill under such a pressure of circumstances, Congress evidently intended that he should be paid for the interval between the time of his discharge and the period of his restoration. But without reference to this fact, General Churchill, during said interval, performed services at the request of the officers of the government, which afford an ample consideration for the amount of his salary for that time. The committee accordingly report a bill.